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Supreme Court, U. S.
OCT 25
MICHAEL RODAK, JR.

IN THE

Supreme Court of the United States

OCTOBER TERM, 1972

No. 72-243

CLEAN AIR COORDINATING COMMITTEE,

Petitioner,

vs.

ROTH ADAM FUEL COMPANY,
CHICAGO COAL MERCHANTS ASSOCIATION,
ILLINOIS POLLUTION CONTROL BOARD,

Respondents.

AMICUS BRIEF OF THE STATE OF MONTANA

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MIDWEST LAW PRINTING CO., CHICAGO 6060, FINANCIAL 6-0900

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The State of Montana, by its Attorney General Robert L. Woodahl, pursuant to Supreme Court Rule 42(4) hereby requests that the Petition for a Writ of Certiorari be granted. The State believes that this Court should hear this case because it involves a reoccuring issue of substantial importance throughout the country.

Under the amendments to the federal Clean Air Act, many federal implementation plans will be formulated over the years for each state covering various pollutants. It was the clear intent of Congress that a state would supply the key input for every federal implementation plan for that state. It was also the clear intent of Congress that there would be adherence to federal time schedules for the development of such plans especially since they each included provisions necessary for the protection of human health. Contrary to such intent, the Seventh Circuit's decision would permit the halting of state input and a disruption of time schedules due to the initiation by any dissatisfied individual of a *premature* review proceeding before federal finalization of any implementation plan. That would be detrimental to the states and their residents.

Respectfully submitted,

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